

---

HOUSE BILL 1887

---

State of Washington

61st Legislature

2009 Regular Session

By Representative Takko

Read first time 02/02/09. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to diking districts; amending RCW 85.38.190; and  
2 adding new sections to chapter 85.38 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 85.38.190 and 1987 c 298 s 4 are each amended to read  
5 as follows:

6 ~~((Any proposed improvement or part thereof, not exceeding five  
7 thousand dollars in cost, may be constructed by district employees;  
8 PROVIDED, That this shall not restrict))~~ (1) Except as provided under  
9 this section, diking district construction and maintenance contracts  
10 require three or more formal bids when the total cost of the project is  
11 equal to or greater than fifty thousand dollars. Formal bids must be  
12 made in writing and must be filed in the official records of the  
13 district. This subsection (1) does not apply to projects that have a  
14 total cost of less than five thousand dollars or to contract  
15 solicitations for which three bidders are not available.

16 (2) This section does not restrict a ((special)) diking district  
17 from: (a) Using volunteer labor and equipment on improvements((7)) and  
18 providing reimbursement for actual expenses; or (b) entering into an

1 interlocal agreement for district construction, maintenance, or other  
2 work with a county, city, or other governmental entity.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 85.38 RCW  
4 to read as follows:

5 (1) Except as provided under subsection (4) of this section,  
6 contracts for construction or maintenance, or for labor or materials  
7 used in the construction or maintenance of any improvement authorized  
8 by the diking district, may only be awarded through a public bidding  
9 process that complies with the following:

10 (a) Notices calling for sealed bid proposals must be published in  
11 at least one newspaper of general circulation in the district. These  
12 notices must be published at least once fourteen or more days before  
13 the deadline for submitting bid proposals; and

14 (b) Bid proposals: (i) Must be in writing, filed at the location  
15 specified in the notice, and opened and read in public by the governing  
16 body or designee at a time and location also specified in the notice;  
17 (ii) must be filed in the official records of the district and  
18 available for public inspection; and (iii) must be accompanied by a bid  
19 proposal deposit equaling five percent of the total cost of the  
20 project. Bid proposal deposits may be in the form of cash, a certified  
21 check, a cashier's check, or a surety bond.

22 (2) If the successful bidder fails to enter into a contract and  
23 fails to furnish a satisfactory performance bond within time  
24 specifications established by the district, the bid proposal deposit  
25 will be forfeited to the district.

26 (3) The contract must be awarded to the lowest and best responsible  
27 bidder, except that the governing body may reject any and all bids. If  
28 the district rejects one or more bids, the district must submit a new  
29 notice calling for sealed bid proposals that complies with subsection  
30 (1)(a) of this section.

31 (4) If a satisfactory bid is not received under this section, the  
32 district may complete the project by an agreed price or force account.

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 85.38 RCW  
34 to read as follows:

35 (1) Contiguous territory outside of a diking district that receives

1 services from the district may be annexed into the district using the  
2 following method:

3 (a) The governing body must adopt a resolution of its intent to  
4 annex the territory. The resolution must: (i) Include a map and  
5 description of the subject territory; (ii) indicate which service or  
6 services the territory is receiving from the district; (iii) specify  
7 the proposed system of assessment; and (iv) set a date and time for a  
8 public hearing on the annexation proposal;

9 (b) The district must publish notice of the hearing in a newspaper  
10 of general circulation in the district and must notify, by mail, all  
11 property owners as determined by the records of the county assessor.  
12 The notice required under this subsection (1)(b) must be published and  
13 mailed at least twenty-one days, but not more than twenty-eight days,  
14 before the public hearing. This subsection (1)(b) does not restrict or  
15 prevent a district from publishing or mailing notices that are in  
16 addition to the required notice;

17 (c) After the public hearing, which may be continued from time to  
18 time, the governing body must decide whether to recommend the  
19 annexation to the legislative authority of the county in which the  
20 territory proposed for annexation is located. If the governing body  
21 recommends the annexation, it must adopt a resolution of the  
22 recommendation within forty-five days of its decision and forward a  
23 copy of the resolution, together with a draft annexation ordinance, to  
24 the applicable legislative authority;

25 (d) The county legislative authority, by resolution, must set a  
26 date and time for a public hearing on the annexation proposal. The  
27 date of the hearing must be within ninety days after the county  
28 receives the recommendation resolution and draft annexation ordinance  
29 from the diking district;

30 (e) After the public hearing, which may be continued from time to  
31 time, the county legislative authority must decide whether to approve,  
32 modify, or reject the annexation proposal. The legislative authority  
33 may remove territory from the proposal, but it may not add territory  
34 without holding an additional public meeting and providing meeting  
35 notice to the property owners affected by the addition that conforms  
36 with the notice requirements of (b) of this subsection; and

37 (f) If the county legislative authority approves the annexation

1 proposal in its original or a modified form, it must do so by  
2 ordinance. Approved annexations are effective on the first day of the  
3 following January.

4 (2) For the purposes of this section, territory bounded by a river,  
5 lake, or other body of water is contiguous to a district that is also  
6 bounded by the same river, lake, or other body of water.

--- END ---